

PLANNING COMMISSION MINUTES

October 2, 2002

CALL TO ORDER: Chairman Vlad Voytilla called the meeting to order at 7:02 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Eric Johansen, Dan Maks, Shannon Pogue and Scott Winter. Planning Commissioner Gary Bliss was excused.

Senior Planner Barbara Fryer, Planning Services Director Hal Bergsma, Associate Planner Suzanne Carey, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

Planning Services Director Hal Bergsma indicated that there were no staff communications.

OLD BUSINESS:

Chairman Voytilla opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date.

1 He asked if there were any ex parte contact, conflict of interest or
2 disqualifications in any of the hearings on the agenda. There was no
3 response.

4
5 **CONTINUANCES:**

6
7 **PUBLIC HEARINGS:**

8
9 **A. CPA 2002-0007 – COMPREHENSIVE PLAN MAP**
10 **AMENDMENT – SIGNIFICANT NATURAL RESOURCES**
11 **MAP (SCENIC TREE PROJECT)**

12 **B. CPA 2002-0008 – COMPREHENSIVE PLAN TEXT**
13 **AMENDMENT – SIGNIFICANT NATURAL RESOURCES**
14 **TEXT (SCENIC TREE PROJECT)**

15 (Continued from September 4, 2002, and September 18, 2002)

16 This is a request for Planning Commission approval of a City-
17 Initiated amendment to sections of the Comprehensive Plan
18 relating to the identification and protection of natural, scenic
19 and historic resources. As a first step, the City's Significant
20 Natural Resources Map would be amended to show properties
21 on which are located trees, tree corridors and groves deemed to
22 be scenically significant. These properties will be selected from
23 sites inventoried by City staff based on criteria agreed to by the
24 Planning Commission. Previous inventories adopted in 1984,
25 1991 and 1999 that identified significant tree resources would be
26 deleted. Four tree categories -- Scenic Trees, Scenic Groves,
27 Scenic Neighborhood Groves, and Scenic Corridors-- would be
28 shown on the map. Additionally, the Plan's text would be
29 amended to add Scenic Tree Project inventory information
30 explaining the significance determination.

31
32 Senior Planner Barbara Fryer explained that this proposal concerns
33 the Scenic Tree Project, observing that this is the third of the
34 anticipated three hearings addressing the inventory and significance.
35 She explained that the proposal provides for the deletion of the
36 existing Significant, Important and Other Natural Area Designation,
37 which consists of the 1984 Map, as adopted by the City Council. She
38 pointed out that this proposal would also delete the 1991 Significant
39 Tree Inventory adopted by the Board of Design Review, as well as the
40 Significant Tree Inventory of Annexed Areas adopted in 1999 by the
41 City Council. She mentioned that this proposal also adds four new
42 scenic resource categories of Corridor, Neighborhood Grove, Individual
43 Tree and Grove, and the Scenic Tree Inventory and Background
44 Documents to Volume 3 of the Comprehensive Plan.

1 Ms. Fryer observed that this action is in response to Statewide
2 Planning Goal 5, specifically Oregon Administrative Rule (OAR)
3 Section 660.023, which addresses scenic views and sites, which she
4 described as lands that are valued for their aesthetic appearance. She
5 explained that this process consists of inventory, determining
6 significance, conducting the Environmental, Social, Economic and
7 Energy (ESEE) Consequences Analysis, and adopting an appropriate
8 program. She noted that staff is currently reviewing the inventory and
9 determining significance. She added that once a determination of
10 significant sites has been prepared, it would be necessary to conduct
11 the ESEE Consequences Analysis on only those sites that have been
12 determined significant, at which point it would be determined whether
13 these individual sites would be fully protected partially protected, or
14 not protected. Based upon that analysis, a program would then be
15 developed that would amend the Development Code and
16 Comprehensive Plan in order to provide new regulations for the
17 appropriate level(s) of protection.

18
19 Ms. Fryer explained the notification process and described prior
20 hearings with regard to this issue, including the First Evidentiary
21 Hearing for the north half of the study area and the Second
22 Evidentiary Hearing for the south half of the study area. She
23 mentioned that staff is hopeful that a preliminary decision on the
24 inventory will be made following tonight's hearing, specifically with
25 regard to the adequacy of the inventory as well as significance, at
26 which time the hearing would be continued to a date uncertain. She
27 pointed out that new notification would be provided to landowners of
28 property containing resources that are deemed to be significant, based
29 upon this preliminary determination. She mentioned that notification
30 would also be provided to those individuals who have participated in
31 hearings, the NACs, County participation organizations, and
32 interested persons for any new hearings with regard to the ESEE
33 Consequences Analysis and the program, adding that this would occur
34 later in 2002 or early in 2003.

35
36 Ms. Fryer presented Supplemental Staff Report No. 4, and described
37 the two issues, specifically the reassessment of Neighborhood Grove
38 NG 27-05 as it relates to Grove G-27-01, and additional staff analysis
39 with regard to unincorporated properties.

40
41 Ms. Fryer requested that the Planning Commission consider the Staff
42 Report, including data corrections described in Supplemental Staff
43 Reports Nos. 1 through 4, as well as testimony received on September
44 4, 2002, September 18, 2002, and any that is received this evening.

1 She mentioned and entered into the record three communications that
2 have been received, as follows: 1) Letter from Paul and Elaine Oakes,
3 dated September 28, 2002, with regard to Neighborhood Grove NG 21-
4 02; 2) Letter from Phyllis Kirse, dated September 18, 2002, in support
5 of staff's recommendation with regard to the significance of Groves;
6 and 3) Letter and picture from Barbara Myers, received October 2,
7 2002, regarding the significance of Individual Tree No. 15-33, which is
8 a Sequoia Tree located on the corner of SW 7th Street and SW Lombard
9 Street, adding that this resource has already been designated as
10 significant.

11
12 Ms. Fryer explained that staff is requesting that the Planning
13 Commission make preliminary findings with regard to the inventory
14 and the significance of resources, and continue the hearing to a date
15 uncertain in order to allow for the completion of the ESEE Conse-
16 quences Analysis on the Significant Resources, at which time a pro-
17 gram would be developed and presented for consideration. She empha-
18 sized that the current tree regulations would probably not be used for
19 this program, adding that new regulations would be developed based
20 upon the ESEE Consequences Analysis, which would provide a brand
21 new playing field, ranging from revised regulations to no regulations.

22
23 Commissioner Pogue requested clarification with regard to the tree
24 specified by Barbara Myers as significant.

25
26 Ms. Fryer assured Commissioner Pogue that staff has recommended
27 that Tree No. 15-33, a Sequoia Tree located on the corner of SW 7th
28 Street and SW Lombard Street, be determined as significant.

29
30 On question, Ms. Fryer advised Chairman Voytilla that the
31 measurement utilized with regard to area resources involves acres.

32
33 Referring to several letters from the public that had been submitted at
34 prior hearings, Chairman Voytilla questioned whether appropriate
35 responses had been prepared and submitted to Mr. Ringo, Jack and
36 Margaret Krieger, and Katherine Sayles and George Gogue.

37
38 Ms. Fryer indicated that she would review the record to determine
39 whether appropriate responses had been sent to these individuals.

40
41 Emphasizing that an informational area has been provided behind the
42 partition and that staff is available to provide information and respond
43 to questions, Chairman Voytilla pointed out that any individual
44 wishing to testify should complete and submit a yellow testimony card.

1 Observing that testimony would be limited to four minutes per
2 individual, he noted that while the Planning Commission values public
3 input with regard to the accuracy of the inventory, testimony must
4 address applicable criteria and should not be repetitive.
5

6 **PUBLIC TESTIMONY:**
7

8 **WILEY WENGER** expressed his opinion that the Planning
9 Commission should not approve this document, noting that it is not at
10 all accurate and does not make sense. As an example, he pointed out
11 that Neighborhood Grove NG 27-05 is on current plan, and
12 Neighborhood Grove NG 27-01 is on the preliminary draft inventory
13 published March 21, 2002. Noting that staff has been very responsive
14 to comments he had made at the previous hearing, he emphasized that
15 Neighborhood Grove NG 27-05 is very unsatisfactory and is simply not
16 a significant or scenic grove of trees. Observing that Neighborhood
17 Grove NG 27-01 is probably one of the most scenic groves within the
18 City of Beaverton, he pointed out that it is located right in front of the
19 Fanno Farm House, adding that although this absolutely outstanding
20 grove includes some magnificent specimens, it is not currently
21 designated as a significant resource on the plan. He expressed his
22 opinion that only those resources that are actually significant should
23 be provided with protection, emphasizing that the remaining trees,
24 which are small and widely spaced, are not unusual or significant.
25

26 Commissioner Barnard noted that Neighborhood Grove NG 27-01 had
27 been downgraded due to poor health.
28

29 Observing that he is a trained forester and walks through this area on
30 a regular basis, Mr. Wenger emphasized that he views this as a very
31 significant scenic resource, adding that he has not noticed any
32 significant health problems.
33

34 Commissioner Barnard pointed out that health problems include
35 issues with regard to invasive species, age and percentage of dead
36 wood.
37

38 Mr. Wenger suggested that the Planning Commissioners should
39 actually look at this resource prior to determining that it is not
40 significant, adding that although there might be an unhealthy tree or
41 two, the entire grove is not unhealthy.
42

1 Commissioner Barnard advised Mr. Wenger that this resource has not
2 been disqualified, adding that it just does not rate as high as it would
3 if it were healthy.

4
5 Mr. Wenger expressed his opinion that the scenic value of
6 Neighborhood Grove NG 27-01 is far superior to Neighborhood Grove
7 NG 27-05. He pointed out that he had observed a huge conk on the
8 base of one of the large trees in Neighborhood Grove NG 27-05, noting
9 that while this indicates rot, a tree can have rot internally for a long
10 time prior to its demise.

11
12 Commissioner Barnard explained that the grove is not necessarily
13 measured on the basis of one particular tree, adding that the entire
14 grouping of trees is the basis for consideration.

15
16 Mr. Wenger mentioned that while there are some nice trees in this
17 Neighborhood Grove, they are not extraordinary by any means.

18
19 Chairman Voytilla expressed his appreciation of Mr. Wenger's interest,
20 expertise, and testimony with regard to this issue, and questioned
21 whether he had taken the opportunity to review any of the other
22 resources in his neighborhood.

23
24 Mr. Wenger informed Chairman Voytilla that he had not had the time
25 to examine any of the other resources within his neighborhood,
26 emphasizing that Neighborhood Grove NG 27-05 does not represent a
27 grove of trees by even the widest stretch of the imagination.

28
29 **BARBARA WILSON** stated that while she had not realized that the
30 Planning Commission was discussing this matter until she had read it
31 in yesterday's newspaper, she would like to express her support of the
32 concept of tree preservation. She mentioned that she had attended a
33 meeting when this issue had first been discussed approximately a year
34 ago, noting that at that time, it had been her opinion that changes
35 were necessary with regard to trees. Observing that she has witnessed
36 what she considers to be some magnificent trees being cut with little
37 regard to their significance, most likely on the basis of convenience,
38 she expressed her opinion these trees are a tremendous amenity to the
39 community. She pointed out that the removal of any significant tree
40 affects the neighborhood, the community, and the City of Beaverton,
41 adding that in terms of global warming, this also affects the entire
42 planet. She mentioned that a homeowner's trees are a gift to the
43 community, the neighbors, the City, the country and the world. She
44 explained that anyone purchasing a home considers the ambiance of

1 the neighborhood, noting that she resents those homeowners who
2 remove their beautiful trees without considering the net loss to their
3 neighborhood. Referring to Mr. Wenger's reference to an error with
4 regard to two Neighborhood Groves, she recommended that the
5 Planning Commission proceed with this plan without concern with Mr.
6 Wenger's opinion with regard to potential errors on the rating of those
7 two groves. Emphasizing that the current program is not working, she
8 expressed her opinion that the City of Beaverton needs to move ahead
9 in order to preserve the beautiful trees that are remaining within the
10 community.

11
12 **MYRNA TALBERT** mentioned that as a property owner within a
13 designated area containing significant resources, she would like to
14 express her opposition. Observing that she likes trees, she emphasized
15 that as a property owner, she should have the authority to cut a tree
16 located on her own property. She pointed out that the government is
17 not going to sweep her driveway, clean her shingles or make repairs to
18 her sidewalk, and expressed her opinion that her rights are being
19 violated if she is not permitted to take necessary action with regard to
20 her own property.

21
22 Commissioner Johansen advised Ms. Talbert that significance would
23 be determined through the inventory, at which point a program would
24 be created and implemented with regard to some level of protection.
25 He emphasized that this program would not necessarily restrict her
26 rights as a property owner, adding that this involves a lengthy process.

27
28 Ms. Talbert questioned the possibility of such restrictions being
29 imposed at some point in the future.

30
31 Commissioner Johansen informed Ms. Talbert that it is possible that
32 these restrictions would be imposed in the future, reiterating that an
33 appropriate plan has not yet been determined.

34
35 Ms. Talbert stated that she does not agree, emphasizing that a
36 property owner should have the authority to make decisions with
37 regard to her own property. She expressed her opinion that her rights
38 are being violated.

39
40 Commissioner Johansen advised Ms. Talbert that this is a popular
41 sentiment that has been expressed by others throughout this process,
42 encouraging her to stay involved.

43

1 Ms. Talbert pointed out that she had just become aware of this
2 proposal today, noting that she had not been informed with regard to
3 the other meetings, and expressed her opinion that a lot of other
4 citizens are most likely in the same situation.
5

6 Commissioner Pogue expressed his appreciation of Ms. Talbert's testi-
7 mony, emphasizing that everyone concerned is encouraged to partici-
8 pate and provide testimony to assist the Planning Commission in their
9 efforts to make an appropriate decision with regard to this issue.
10

11 Observing that he has a Bachelor's Degree in Fisheries, **ROBERT**
12 **RINGO** stated that he has been involved in habitat protection and
13 resource management for 34 years. He pointed out that he works for
14 the U.S. Fish & Wildlife Service, U.S. Bureau of Indian Affairs, and
15 the Columbia River Intertribal Fish Commission, adding that he is
16 very concerned with regard to Neighborhood Groves. He explained
17 that further investigation in the Goal 5 Resource Planning indicates a
18 statewide effort by local governments, with support and direction from
19 the Land Conservation and Development Commission (LCDC) to
20 impose regulations to enforce "can't build" or "don't disturb" types of
21 restrictions on privately owned land in order to broaden the scope of
22 natural resource protection. He explained that the LCDC is demand-
23 ing that cities and counties utilize these regulations to protect and pre-
24 serve those resources listed or implied in Goal 5, adding that the
25 Scenic Tree Project is an effort that could potentially result in regula-
26 tions allowing public benefits on privately held properties without com-
27 pensation to property owners. He noted that as provided in Goal 5 and
28 as authorized by State statute, local government has the ability to pur-
29 chase conservation easements. He pointed out that while such action
30 might not apply to a Neighborhood Grove, some form of compensation
31 is warranted if the regulations proposed allow this Commission to
32 assume control of the property rights of any individual. He referred to
33 Measure 7, which was approved by the voters in November of 2000,
34 noting that although opponents had prevented the implementation of
35 this legislation through legal actions, because supporters of Measure 7
36 strongly believe this court decision is inappropriate, this decision has
37 been appealed to the Oregon Supreme Court.
38

39 Commissioner Maks urged Mr. Ringo to focus his testimony on the
40 current issue, which is the inventory for the Scenic Tree Project.
41

42 Mr. Ringo expressed his opinion that the proposed action with regard
43 to the Scenic Tree Project violates basic civil rights, specifically the
44 right of an individual to own and use his own property without undue

1 governmental interference and restrictions. He suggested that
2 Neighborhood Groves be removed from any further planning
3 consideration, and referred to reference facts provided during
4 discussion with Bill Moshosky at Oregon's in Action, adding that
5 although this organization is very concerned, they were unable to
6 provide representation this evening.

7
8 Chairman Voytilla questioned whether Mr. Ringo would like to submit
9 any testimony that is specific to tonight's subject.

10
11 Mr. Ringo expressed his opinion that he had addressed this issue at
12 the prior meeting, adding that he had reviewed staff's analysis and
13 found it to be inadequate. Observing that his neighborhood is located
14 near a natural area, he pointed out that while the homeowner's had
15 fought to save that land from development, it is now being used
16 against them in this process.

17
18 Assistant City Attorney Ted Naemura suggested that Mr. Ringo should
19 leave copies of his written materials as part of the record.

20
21 Mr. Ringo indicated that he would submit a copy of his written
22 comments to be entered into the record.

23
24 Chairman Voytilla assured Mr. Ringo that the Planning
25 Commissioners do review all materials, urging him to continue to
26 communicate with staff, attend meetings and work with his NAC with
27 regard to this issue.

28
29 Chairman Voytilla called **TY RADDUE** to provide testimony. Observ-
30 ing that Mr. Raddue had apparently been unable to attend, Mr. Ringo
31 indicated that he had completed and submitted the yellow testimony
32 card on his behalf, adding that he would submit Mr. Raddue's written
33 comments and questions to be entered into the record.

34
35 **BRAD FUDGE** referred to GO5S-01, adding that this area is located
36 north of the quarry site, and requested clarification of whether this
37 very old row of fir trees located on his property outside of the City
38 limits is included in the inventory. Noting that he believes that they
39 are scheduled for removal for the purpose of constructing a road, he
40 questioned whether it is possible to work with Washington County in
41 order to preserve these trees.

42
43 Both Chairman Voytilla and Ms. Fryer advised Mr. Fudge that the
44 City of Beaverton has no knowledge with regard to these specific trees.

1 Chairman Voytilla noted that Ms. Fryer had outlined the process in
2 Staff Report, adding that the City of Beaverton is unable to address
3 any issues with regard to potential future development and that it is
4 necessary to concentrate on specific criteria.
5

6 Mr. Fudge indicated that he would like to be involved in the process of
7 developing a program, and questioned when this would occur.
8

9 Chairman Voytilla advised Mr. Fudge that it has not yet been
10 determined when this program would be developed.
11

12 Ms. Fryer suggested that Mr. Fudge could contact her for this
13 information further in the process.
14

15 **EVAN LLOYD** pointed out that while he is not opposed to trees, he is
16 opposed to this proposal, noting that he owns many trees, several of
17 which he has had to have removed, emphasizing that the proposed
18 regulation represents an inappropriate intrusion of a segment of
19 government into private lives and land holdings. He pointed out that
20 from an aesthetic standpoint, it is not reasonable for individuals to
21 remove their trees at will, adding that he has not witnessed any
22 evidence indicating any type of clear cutting or indiscriminate destruc-
23 tion of trees. He noted that from an economic standpoint, the trees add
24 value to a property, adding that due to the cost, there is a definite
25 disincentive to remove these trees as well. He expressed concern with
26 the government taking control of an area where individual property
27 owners should be allowed to be personally responsible, and questioned
28 whether there is actually a real need for this program. He mentioned
29 that he has some concerns with the cost of the overall program, noting
30 that while he is certain that this would not break the budget of the
31 City of Beaverton, the funding would have to be generated somewhere.
32

33 **JOAN LLOYD** pointed out that although some of what she would like
34 to discuss is not appropriate at this time, she is very concerned with
35 proposed regulations and the potential effect upon individual rights.
36 She mentioned that her Neighborhood Grove of Fir Trees had been dis-
37 turbed in the first place during the construction of the homes, express-
38 ing her opinion that it is redundant to designate this a Neighborhood
39 Grove when Hyland Forest Park is located only 1½ blocks away. Not-
40 ing that there is inadequate manpower at this time to keep up with the
41 ivy and blackberries existing in the park at this time, she questioned
42 how local government proposes to take care of additional resources.
43 Observing that it appears that the City of Beaverton is able to do what
44 it wants with publicly-owned trees, she expressed her concern with an

1 attempt to impose its will upon private property owners. Concluding,
2 she expressed her opinion that incentives and compensation should be
3 provided for those property owners who are maintaining their trees.

4
5 **DEREK BALBAG** mentioned that since he built his home in
6 Murrayhill approximately five years ago, he has been nursing a big 30-
7 inch Fir Tree that is approximately 100 to 150 feet in height. He
8 pointed out that his efforts to preserve this tree has become a liability,
9 adding that any requirements with regard to retaining professional
10 help at some future point would create a financial hardship. He noted
11 that while his neighbors all enjoy his tree, they want to cut down their
12 own trees. He questioned whether any consideration has been given
13 with regard to any type of compensation for property owners who are
14 attempting to maintain more of these tree resources.

15
16 Chairman Voytilla advised Mr. Balbag that these issues would be
17 discussed at some future point, emphasizing that tonight's issues
18 involve the inventory and mapping.

19
20 **ROBERT SCHNIEDEWIND** stated that he had grown up in the
21 Ridgewood Neighborhood, and submitted photographs of Tree T 12-08,
22 observing that this tree would not be found on any maps because it had
23 been removed. He pointed out that this tree had been in extremely
24 good health, and expressed his opinion that some people might be
25 removing these trees prematurely because they are concerned with the
26 effect potential regulations might have upon their property. He
27 mentioned that this Maple Tree was probably one of the largest trees
28 he had observed on the entire survey, noting that he is not happy with
29 the removal of this beautiful tree.

30
31 **GARY HARTLING** mentioned that he had grown up in the City of
32 Beaverton, adding that he is also concerned with property rights. He
33 expressed his opinion that sometimes these processes get started and
34 there appears to be no way to stop them, adding that often regulations
35 are implemented without input from those individuals who are
36 affected. Observing that he loves the grove of trees on the property, he
37 pointed out that while he intends to protect them forever, he does not
38 feel he should have to obtain permission from local government to
39 prune or maintain these trees. He noted that his father had recently
40 been fined for the removal of a diseased Locust Tree overlooking SW
41 Hart Road, emphasizing that although his father had planted this tree
42 in the first place, he has now been instructed to plant an Elm Tree in
43 its place. He expressed his opinion that it is not appropriate for the
44 City of Beaverton to dictate to the property owner what he has to
45 plant, adding that he would understand if safety issues were involved.

1 Noting that not enough people are even aware of this proposal, he
2 suggested that the City of Beaverton should make more of an effort to
3 provide better notification with regard to public process.
4

5 Referring to comments made by Mr. Hartling and other individuals,
6 Commissioner Barnard pointed out that he is not aware of anything
7 that can be done with regard to notification beyond what is currently
8 being done. Observing that every property owner in the area received
9 a copy of this notification, he emphasized that this information had
10 been printed on bright pink paper.
11

12 Mr. Hartling pointed out that a great deal of junk mail is received on a
13 regular basis.
14

15 Commissioner Barnard advised Mr. Hartling that this issue is beyond
16 the control of the City of Beaverton.
17

18 On question, Ms. Fryer clarified that future notification would be
19 provided to those individuals who are deemed to be significant
20 property owners with regard to the list of significant resources, as well
21 as any individuals who have testified or submitted written comments.
22 She explained that notification would also be sent to the NACs, and
23 offered to initiate a mailing list to provide notification to anyone who
24 wishes to receive this information.
25

26 On question, no other member of the audience indicated that they
27 wished to testify with regard to this issue.
28

29 The public portion of the Public Hearing was closed.
30

31 Commissioner Maks expressed his appreciation to Mr. Wenger for
32 addressing applicable criteria, specifically identifying what is
33 supposedly significant, adding that he would like to discuss what is
34 significant at this time. Expressing his opinion that only those
35 resources that are exceptional should be considered significant,
36 particularly with regard to Neighborhood Groves, he emphasized that
37 a compromise is inevitable. He pointed out that the testimony with
38 regard to the inventory was very valuable.
39

40 Commissioner Johansen clarified that the current listing of significant
41 Neighborhood Groves had already been reviewed, adding that some of
42 the less significant resources had been removed, and explained that it
43 is misleading to indicate that the current list actually includes half of
44 all of the Neighborhood Groves within the City of Beaverton. He point-

1 ed out that a passive, educational program that would benefit all
2 property owners with Neighborhood Groves without prohibiting
3 removal of their trees would make it extremely difficult to re-
4 determine significance at some future point. He emphasized that he is
5 reluctant to reduce the inventory in the absence of a specific program,
6 adding that he is comfortable with the proposed inventory, including
7 the specific changes necessitated by testimony that has been provided
8 by members of the public.

9
10 Chairman Voytilla observed that he is very appreciative of what he
11 considers to be a significant amount of testimony from the public,
12 pointing out that it is necessary at this time to address testimony that
13 addresses the current mapping and inventory process.

14
15 Commissioner Pogue mentioned that he is comfortable with respect to
16 the inventory and modifications made by staff, adding that he is not in
17 favor of designating all Neighborhood Groves as significant. He
18 explained that he does agree with Mr. Wenger's request for a reevalu-
19 ation of the scores for Neighborhood Groves NG 27-05 and NG 27-01.

20
21 Commissioner Barnard commented that while he has great respect for
22 Ms. Fryer's efforts, adding that he is uneasy with regard to the tree
23 inventory, which was neither performed scientifically nor by an
24 arborist. He referred to a quote by Thomas Jefferson, noting that
25 decisions are not always made by the smartest people, but by those
26 people who show up.

27
28 Commissioner Winter pointed out that the tree inventory involved
29 what he referred to as a *Herculean* task, including a tremendous
30 amount of work by staff. He commented that he does not agree that all
31 Neighborhood Groves should be considered significant, particularly in
32 Tree City, USA.

33
34 Commissioner Maks reminded Commissioner Johansen that
35 Neighborhood Grove is an entirely new concept with regard to tree
36 resources within the City of Beaverton, expressing his opinion that
37 more than half (56%) should not be considered significant and that this
38 designation does not accomplish anything if the resource is not
39 protected. He pointed out that there are cases in which the removal of
40 trees on one individual's property would affect the trees on another
41 property due to wind throw, health, or runoff, adding that community
42 value, aesthetics and amenities would then become an issue and that
43 might require some type of regulation or procedure.

1 Expressing his agreement with many of Commissioner Maks'
2 comments, Commissioner Johansen stated that it is not fair to the
3 public to cut back on inventory only to come back later and determine
4 that some of these resources are significant. He pointed out that it is
5 easier to get to the appropriate number when there has been some
6 determination with regard to what it means and what comes out of the
7 program.

8
9 Commissioner Maks emphasized that the ESEE Analysis does provide
10 additional information with regard to this program, adding that rather
11 than reducing the inventory, he is attempting to determine actual
12 significance. He pointed out that he had reviewed some of the
13 resources with what he referred to as "borderline numbers", noting
14 that he does not consider these trees to be significant.

15
16 Commissioner Johansen clarified that this inventory involves what is
17 basically a subjective process.

18
19 Chairman Voytilla suggested that all Planning Commissioners have
20 indicated that they feel the proposed inventory is adequate,
21 emphasizing that he would like to determine some consensus.

22
23 Noting that he believes that the inventory is adequate, Commissioner
24 Maks indicated that he is unable to support this inventory based upon
25 the issue of significance.

26
27 Chairman Voytilla questioned the possibility of accepting the proposed
28 inventory, for staff's purposes, emphasizing that while there would be
29 variations, this acceptance is basically for the purpose of moving
30 forward to the next component of this process.

31
32 Commissioner Barnard indicated that he does not feel acceptance of
33 this inventory is possible, as suggested by Chairman Voytilla, adding
34 that he is concerned with the possibility of future development
35 proposals being faced with a re-determination of significance. He
36 emphasized that he does not consider average to be significant.

37
38 Commissioner Maks requested clarification that only what is deter-
39 mined to be significant would move on to the next step in the process.

40
41 Ms. Fryer verified that only those resources determined to be
42 significant would move on to the next step in the process.

43

1 Chairman Voytilla requested clarification of whether it is actually
2 necessary to consider accepting this proposed inventory at this time, or
3 whether it is possible for staff to consider developing the ESEE
4 Analysis at this time.

5
6 Ms. Fryer emphasized that the decision requested by staff at this time
7 is a tentative decision, noting that while this decision is not final until
8 the Planning Commission has actually approved an order
9 memorializing this decision, staff is not recommending that this be
10 done at this time.

11
12 Mr. Bergsma explained that the ESEE Analysis occurs at two levels,
13 one of which involves what he referred to as a generic analysis,
14 including all significant Neighborhood Groves, as a group, adding that
15 it is determined that these resources generally have certain
16 characteristics, which would determine the consequences of fully,
17 partially or not protecting each individual resource. He discussed the
18 process of site-specific analysis, observing that some situations are
19 unique and involve critical situations, observing that a more site-
20 specific analysis would be more involved.

21
22 Chairman Voytilla pointed out that many of the questions raised by
23 the public are basically generic.

24
25 Mr. Bergsma assured Chairman Voytilla that the assessment would
26 basically be started on a more generic level.

27
28 On question, Ms. Fryer advised Chairman Voytilla that staff would
29 prefer that the Planning Commission make an actual recommendation
30 with regard to significance at this time, if possible.

31
32 Commissioner Pogue expressed his opinion that there should be some
33 re-evaluation of the scoring system with regard to significance.

34
35 Commissioner Maks stated that he does not feel it is necessary to re-
36 evaluate the scoring system with regard to significance, observing that
37 it is most likely that he finds fewer of these resources to be significant
38 than Commissioner Johansen does.

39
40 Commissioner Johansen mentioned that he feels comfortable with the
41 proposed inventory, observing that he is hopeful that any errors will be
42 identified.

43

1 Commissioner Barnard commented that he is willing to accept the
2 proposed inventory, adding that he leans toward a higher percentage
3 of significance, and expressed his opinion that a Workshop would be
4 beneficial towards resolving the conflicts with regard to this issue.
5

6 Commissioner Maks pointed out that while he approves of the
7 inventory, he has concerns with the issue of significance and is not
8 comfortable with what is occurring with regard to the ESEE Analysis.
9 He noted that he is also comfortable with the idea of a Workshop to
10 address these issues.
11

12 Commissioner Winter stated that he is totally comfortable with inven-
13 tory, adding that he agrees with Commissioner Johansen's comments
14 that until more information is available with regard to the program, it
15 would not be a good idea to impose any restrictions at this time.
16 Emphasizing that while not every tree within the City of Beaverton is
17 significant, it is not feasible to pull a number out of the air.
18

19 Chairman Voytilla agreed with Commissioner Winters' comments,
20 emphasizing that the public is very concerned with the potential
21 impact of this inventory.
22

23 Ms. Fryer requested clarification that the Planning Commission is not
24 making a recommendation with regard to significance at this time and
25 that they are requesting that staff present program ideas at a special
26 Workshop session.
27

28 Chairman Voytilla advised Ms. Fryer that at this point, he is
29 attempting to determine whether the Planning Commissioners accept
30 the proposed inventory, based upon the testimony that has been
31 received thus far.
32

33 Commissioner Barnard requested a recommendation with regard to
34 Neighborhood Grove NG 27-01 and NG 27-05, specifically with regard
35 to health issues, based upon testimony that has been received this
36 evening.
37

38 Ms. Fryer emphasized that it is also necessary to determine that the
39 proposed inventory is adequate with regard to location, quality and
40 quantity, suggesting the possibility of making a preliminary
41 determination based upon tonight's findings, adding that this would be
42 finalized at some future time.
43

Commissioner Maks **MOVED** and Commissioner Barnard **SECONDED** a motion that the Planning Commission determine that the information presented, as amended through meetings on September 4, 2002, September 18, 2002, and October 2, 2002, be found adequate with regard to the Planning Commission, and direct staff to proceed with the ESEE Analysis on staff's recommendation with regard to what has been determined as significant.

On question, Assistant City Attorney Naemura advised Commissioner Barnard that this would allow the Planning Commission to adapt and revise the inventory throughout the process.

Motion **CARRIED**, unanimously, with the exception of Commissioner Maks, who abstained from voting on this issue.

Commissioner Maks **MOVED** and Commissioner Barnard **SECONDED** a motion to continue CPA 2002-0007 – Comprehensive Plan Map Amendment – Significant Natural Resources Map (Scenic Tree Project), to a date uncertain.

Motion **CARRIED**, unanimously.

Commissioner Maks **MOVED** and Commissioner Barnard **SECONDED** a motion to continue CPA 2002-0008 – Comprehensive Plan Text Amendment – Significant Natural Resources Map (Scenic Tree Project), to a date uncertain.

Motion **CARRIED**, unanimously.

APPROVAL OF MINUTES:

Minutes of the meeting of September 4, 2002, submitted. Commissioner Barnard **MOVED** and Commissioner Maks **SECONDED** a motion that the minutes be approved as written.

Motion **CARRIED**, unanimously.

Minutes of the meeting of September 11, 2002, submitted. Commissioner Barnard **MOVED** and Commissioner Pogue **SECONDED** a motion that the minutes be approved, with the noted correction on page 19, as follows: "Mr. Sparks stated that Mr. Snyder's assumption that this would be..."

1 Motion **CARRIED**, unanimously, with the exception of Commissioner
2 Maki, who abstained from voting on this issue.

3
4 Minutes of the meeting of September 18, 2002, submitted.
5 Commissioner Maki requested that lines 34 through 36 of page 9 be
6 amended, as follows: "...he would ~~also~~ support a motion for approval,
7 noting that this action also approves the occupancy of 240
8 students, as approved in the previous land use action. He
9 emphasized emphasizing the necessary necessity of considering any
10 potential uses with regard to CUPs." Commissioner Barnard **MOVED**
11 and Commissioner Winter **SECONDED** a motion that the minutes be
12 approved, as amended.

13
14 Motion **CARRIED**, unanimously.

15
16 **MISCELLANEOUS BUSINESS:**

17
18 Observing that Development Services Manager Steven Sparks had
19 requested that a member of the Planning Commission be appointed to
20 serve on the Code Review Advisory Committee (CRAC), Chairman
21 Voytilla noted that Commissioner Maki had served in the past and
22 questioned whether anyone is willing to volunteer to serve in this
23 capacity.

24
25 Commissioner Johansen pointed out that there is no substitute for
26 experience.

27
28 Noting that he is willing to continue to represent the Planning
29 Commission on CRAC, Commissioner Maki stated that he would like
30 an alternate to serve in the event that he is unavailable.

31
32 Chairman Voytilla indicated that he is willing to serve as an alternate
33 representative of the Planning Commission on CRAC.

34
35 Mr. Ringo requested that the record be left open with regard to the
36 Scenic Tree Project.

37
38 Chairman Voytilla advised Mr. Ringo that it is not necessary to leave
39 the record open at this time with regard to the Scenic Tree Project
40 because final action has not yet been taken

41
42 The meeting adjourned at 9:18 p.m.